

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NANCY M. MUIR,  
Executrix of the Estate of  
Joseph L. Muir

Plaintiff,

16-CV-89A(Sr)

v.

LAMORAK INSURANCE COMPANY,  
Formerly known as One Beacon  
Insurance Company;

RESOLUTE MANAGEMENT, INC.;

CONTINENTAL INSURANCE COMPANY  
(CNA);

PROVIDENCE WASHINGTON INSURANCE COMPANY,  
Formerly known as Seaton Insurance Group;

HARPER INSURANCE LIMITED;

and

ASSICURAZIONI GENERALI, SPA;

Defendants.

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This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr.  
pursuant to 28 U.S.C. § 636(b)(1) for the performance of pretrial proceedings.

On February 21, 2025, Magistrate Judge Schroeder issued a Report,  
Recommendation and Order ("RR&O") (Dkt. No. 135) recommending that plaintiff  
Muir's motion (Dkt. No. 84) for leave to settle her claims against defendants Harper  
and Generali for \$75,250, and for dismissal of such claims with prejudice be

granted. Magistrate Judge Schroeder further recommended that Plaintiff's (Dkt. No. 89) motion to dismiss defendant Seaton Insurance Company with prejudice be granted.

Federal Rule of Civil Procedure 72(b)(3) provides, "[t]he district judge must determine de novo any part of the magistrate judge's disposition *that has been properly objected to*" (emphasis added). Here, no objections to the RR&O have been filed. "When no timely objection is filed, the [C]ourt need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." 1983 Advisory Committee Note to Fed. R. Civ. P. 72(b); *see Patton v. Ford Motor Co.*, 14-CV-0308-RJA-HBS, 2017 WL 2177621, 2017 U.S. Dist. LEXIS 76148, \*5 (W.D.N.Y. May 18, 2017) (same).

The Court finds no clear error with respect to Magistrate Judge Schroeder's RR&O, and therefore, it is hereby

**ORDERED** that pursuant to 28 U.S.C. § 636(b)(1) and for the reasons set forth in the RR&O, that plaintiff Muir's motion (Dkt. No. 84) for leave to settle her claims against defendants Harper and Generali for \$75,250 and to dismiss such claims with prejudice is granted, and it is further

**ORDERED** that Plaintiff's (Dkt. No. 89) motion to dismiss defendant Seaton Insurance Company with prejudice is granted.

**IT IS SO ORDERED.**

S/Richard J. Arcara  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: April 8, 2025  
Buffalo, New York